

SERVED: October 23, 1992

NTSB Order No. EA-3700

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 14th day of October, 1992

Petition of)	
)	
DAVID McKNIGHT)	
)	
for review of the denial by)	Docket SM-3902
the Administrator of the)	
Federal Aviation Administration)	
of the issuance of an airman)	
medical certificate.)	
)	

ORDER DISMISSING PETITION

By decision served May 18, 1992, NTSB Order EA-3566, we denied petitioner's challenge to the Administrator's denial of a third class airman medical certificate. We denied petitioner's request for reconsideration by order served August 19, 1992 (NTSB Order EA-3641).

Petitioner has submitted a new "Petition for Reconsideration of an Order," seeking reconsideration of our denial of reconsideration. The petition will be rejected.

Petitioner again seeks Board consideration of evidence that was not presented before the law judge. We explained in our August decision that petitioner had not met the standard for reopening for this purpose. He has still failed to do so. His expanded explanation does not satisfy the standard we have established. See August order at 2 and 49 C.F.R. 821.50.

In this latest petition, petitioner submits letters that were already in the record in connection with his prior petition for reconsideration. He also submits material we rejected, by letter of our General Counsel, as out of time for formal

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consideration as a proffered supplement to his first petition. Finally, this petition contains more new material.

Petitioner has had a full and fair hearing on the merits, and has now been twice advised that he has not justified expanding the record to reexamine the validity of the Administrator's action. In light of the unique circumstances of this case, no further filings from petitioner regarding this proceeding will be entertained. Should petitioner continue to submit pleadings, we will place them in the docket without acknowledgement or response.¹

ACCORDINGLY, IT IS ORDERED THAT:

The petition is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

¹Our action here is consistent with 49 C.F.R. 821.50(d), which states, in pertinent part:

Grounds for dismissal. Repetitious petitions will not be entertained by the Board and will be summarily dismissed.